

CHAPTER 23-600 PURCHASE OF SERVICE

23-601 PURCHASE OF SERVICE FROM A PUBLIC OR PRIVATE AGENCY 23-601

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- .1 The regulations contained in this Chapter provide policies and requirements for county welfare departments' purchases of services from public or private agencies involving funds administered by the State Department of Social Services (SDSS). It defines types of contracts and SDSS policies and requirements with regard to their use.

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- .11 When the county has been delegated the authority to purchase services by contract through SDSS regulations it shall have the authority to delegate to the contractor the delivery of services, but the county must retain ultimate program and fiscal responsibility.

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- .111 Contract delegation authority cross-references:

Section 10-200	Section 29-400
Section 10-201	Section 30-002
Section 10-202	Section 30-767.12
Section 10-203	Section 42-740 - 742
Section 25-830	Section 42-773
Section 28-005	Section 63-601.2

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- .12 Prior to initiating purchase of service processes, counties shall research the available resources among government agencies, and private firms and agencies, to determine the cost-effectiveness and program-effectiveness of contracting such services. If a decision is made to contract, such contracting shall be consistent with county civil service practices and regulations.

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- .121 In developing child welfare services for Emergency Response Services, Child Protective Services and Family Maintenance Services, Family Reunification Services, and Permanent Placement Services the county shall use available private child welfare resources prior to developing new county operated resources when the private resources are at least of equal quality, and lesser or equal cost as compared with county operation. However, the county shall not contract for eligibility determination, needs assessment, or any other activity otherwise prohibited in SDSS regulations.

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- .122 The following services are defined in Welfare and Institutions Code Sections:

Emergency Response Services  
Welfare and Institutions Code Section 16504.1

Family Maintenance Services  
Welfare and Institutions Code Section 16506.1

Family Reunification Services  
Welfare and Institutions Code Section 16507.1

Permanent Placement Services  
Welfare and Institutions Code Section 16508.1

- .13 Additional requirements concerning the award of contracts under the Food Stamp Program are contained in Chapter 63-600.
- .14 Additional requirements concerning contracting for electronic data processing are contained in Division 28.
- .15 Additional requirements concerning contracting for the GAIN Program are contained in Section 42-700.

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- .16 Whenever the term "costs" is used, SDSS requires that such costs be determined, and/or negotiated in accordance with the appropriate federal standards and principles.

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.161 The current cost principles are as follows:

- (a) For nonprofit agencies, OMB Circular A-122.
- (b) For local governments, OMB Circular A-87.
- (c) For public and nonprofit institutions of higher education, OMB Circular A-121.
- (d) For profit making organizations, 41 CFR Part 1.
- (e) For the Food Stamp Program, 7 CFR Part 277.

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.2 Definitions

- .21 "Formal Advertising" means procurement by competitive bids through an invitation for bid or request for proposal and involves the following basic steps:
- .211 Preparation of an invitation for bid or request for proposal.
  - .212 Publicizing the invitation for bid or request for proposal.
  - .213 Submission of bids or proposals by prospective contractors.
  - .214 Evaluation of the bids or proposals submitted.
  - .215 Award of the contract.
- .22 An "Invitation for Bid" (IFB) means the county's description, in document form, of specific services to be purchased, in addition to other contract requirements. Awards shall be made to the lowest, responsible and responsive bidder.

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- .23 A "Request for Proposals" (RFP) means the county's description, in document form, of a specific problem or need to which a vendor describes an approach to a solution or solutions. It also contains other contract requirements. Although price is a key factor, the originality and effectiveness of the proposal and the background and experience of the vendor are evaluated in addition to the bid price.
- .24 A "Responsible Bidder" means one who:
  - .241 Possesses adequate financial resources, or the ability to obtain such resources as required during performance of the contract; and
  - .242 Has the ability to comply with the proposed delivery or performance schedule, taking into consideration available expertise and any existing business commitments; and
  - .243 Has no record of unsatisfactory performance, lack of integrity, or poor business ethics; and
  - .244 Is otherwise qualified and eligible to receive an award under applicable statutes and regulations.
- .25 A "Responsive Bidder" means one whose bid or proposal substantially complies with all requirements of the IFB or RFP.
- .26 A "Preaward Survey" means an evaluation of a prospective contractor's performance capability under the terms of a proposed contract.

23-602 CODE OF CONDUCT 23-602

- .1 The county shall maintain a written code or standard of conduct that shall govern the performance of its officers, employees and agents engaged in the awarding and administration of contracts that are subject to Chapter 23-600.
- .2 The code or standard shall provide for disciplinary actions to be applied for violations of such code or standard by the county's officers, employees, and agents, including contractors and their agents.
  - .21 Such disciplinary actions shall be required to the extent permissible under the county's laws, rules, or regulations.